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16 *Attorneys for Defendants Rimini Street, Inc. and Seth Ravin*

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 ORACLE USA, INC., a Colorado corporation;
20 ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
21 CORPORATION, a California corporation,

Plaintiffs,

22 v.

23 RIMINI STREET, INC., a Nevada corporation,
24 and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**NOTICE RE POST-TRIAL MOTIONS
AND REQUEST FOR HEARING AFTER
APRIL 4, 2016**

Judge: Hon. Larry R. Hicks

1 Defendants Rimini Street, Inc. and Seth Ravin (together, “Rimini”) submit this notice
 2 regarding post-trial motions and also renew Rimini’s request for a hearing on those motions after
 3 April 4, 2016, the date Oracle’s reply brief in support of its Motion for Attorneys’ Fees and Costs is
 4 due.

5 There are four post-trial motions pending in the above-captioned case:

6 1. Oracle’s Motion for an Injunction. *See* Dkts. 900, 906, 907.

7 2. Oracle’s Motion for Prejudgment Interest. *See* Dkts. 910, 963, 980.

8 3. Rimini’s Rule 50(b) Motion on Oracle’s State-Law Claims. *See* Dkts. 913, 957, 976.

9 4. Oracle’s Motion for Attorneys’ Fees and Costs. *See* Dkts. 922, 1006; Oracle’s reply brief
 10 is due on April 4, 2016 (*see* Dkts. 992, 996).

11 ***Request for a Hearing.*** Rimini renews its request for a hearing on these four motions at a
 12 date and time convenient to the Court in Reno, Nevada after April 4, 2016. *See* Dkts. 963, 1006. A
 13 hearing will assist the Court in light of the many documents filed in support of these four motions
 14 (over 5,000 pages). A hearing will also assist the Court in determining the impact of its resolution of
 15 one motion on the other three motions. For example, Oracle seeks over \$100 million in attorneys’
 16 fees, costs, and prejudgment interest, as well as a permanent injunction, but a portion of this relief
 17 will be moot if the Court grants Rimini’s Rule 50(b) motion and concludes that Oracle’s state-law
 18 hacking and unfair competition claims fail as a matter of law. A hearing is also appropriate due to
 19 the size and scope of relief Oracle seeks. Oracle is asking this Court for a post-trial award that is
 20 *double* the jury verdict (tripling Oracle’s total recovery), and for an injunction that could prevent
 21 Rimini from being able to lawfully and fairly compete in the aftermarket support services
 22 marketplace by prejudging issues pending before the Court in the related case. Rimini respectfully
 23 submits that such substantial relief should not be granted without a hearing.

24 ***Date of a Hearing.*** Oracle’s motion for an injunction, Oracle’s motion for prejudgment
 25 interest, and Rimini’s Rule 50(b) motion are all fully briefed. Oracle’s reply brief in support of its
 26 motion for attorneys’ fees and costs is due on April 4, 2016. Because counsel will need to travel to
 27 Reno, Nevada for the hearing, Rimini respectfully submits that a single hearing on all four motions
 28 should be held after Oracle’s motion for attorneys’ fees and costs has been fully briefed. At that

1 time, the parties can jointly work with the Court's staff to set a date for the hearing that is convenient
2 for the Court.

3 ***The Supreme Court's Kirtsaeng Decision.*** On January 15, 2016, the United States Supreme
4 Court granted certiorari to decide the question: "What constitutes the appropriate standard for
5 awarding attorneys' fees to the prevailing party under section 505 of the Copyright Act." *Kirtsaeng*
6 v. *John Wiley & Sons, Inc.*, No. 15-375, 2016 WL 205944 (U.S. Jan. 15, 2016). Because the Court's
7 decision in *Kirtsaeng* could affect the proper resolution of Oracle's motion for attorneys' fees and
8 costs in this copyright case, this Court may wish to defer ruling on Oracle's motion for attorneys'
9 fees and costs until the Supreme Court has decided *Kirtsaeng*. A decision is expected by June 2016.

10 Rimini will notify this Court when the Supreme Court has issued its decision in *Kirtsaeng*.
11 Rimini will also confer with Oracle and seek agreement on whether additional briefing is warranted
12 on the narrow issue of the impact of the *Kirstaeng* decision on this case.

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14 DATED: March 9, 2016

GIBSON, DUNN & CRUTCHER LLP

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